

Effective 7/1/2014

Superseded 5/10/2016

58-37-4.3 Exemption for use or possession of hemp extract.

- (1) As used in this section, "hemp extract" means an extract from a cannabis plant, or a mixture or preparation containing cannabis plant material, that:
 - (a) is composed of less than 0.3% tetrahydrocannabinol by weight;
 - (b) is composed of at least 15% cannabidiol by weight; and
 - (c) contains no other psychoactive substance.
- (2) Notwithstanding any other provision of this chapter, an individual who possesses or uses hemp extract is not subject to the penalties described in this chapter for possession or use of the hemp extract if the individual:
 - (a) possesses or uses the hemp extract only to treat intractable epilepsy, as defined in Section 26-56-102;
 - (b) originally obtained the hemp extract from a sealed container with a label indicating the hemp extract's place of origin, and a number that corresponds with a certificate of analysis;
 - (c) possesses, in close proximity to the hemp extract, a certificate of analysis that:
 - (i) has a number that corresponds with the number on the label described in Subsection (2)(b);
 - (ii) indicates the hemp extract's ingredients, including its percentages of tetrahydrocannabinol and cannabidiol by weight;
 - (iii) is created by a laboratory that is:
 - (A) not affiliated with the producer of the hemp extract; and
 - (B) licensed in the state where the hemp extract was produced; and
 - (iv) is transmitted by the laboratory to the Department of Health; and
 - (d) has a current hemp extract registration card issued by the Department of Health under Section 26-56-103.
- (3) Notwithstanding any other provision of this chapter, an individual who possesses hemp extract lawfully under Subsection (2) and administers hemp extract to a minor is not subject to the penalties described in this chapter for administering the hemp extract to the minor if:
 - (a) the individual is the minor's parent or legal guardian; and
 - (b) the individual is registered with the Department of Health as the minor's parent under Section 26-56-103.